REMARKS

In the January 26, 2005 Office Action, the Examiner noted that claims 1-30 were pending in the application and were rejected under 35 USC § 103(a). In rejecting the claims, U.S. Patents 5,717,863 to Adamson et al.; 5,715,392 to Ansberry et al.; 6,496,851 to Morris et al.; 6,475,089 to Lee; 6,370,381 to Minnick et al.; 6,608,895 to Avidan; 6,076,093 to Pickering (References A-C and F-I, respectively, in the November 21, 2003 Office Action); 6,208,952 to Goertzel et al.; 6,349,096 to Liu et al.; 6,477,550 to Balasubramaniam et al. (References A-C in the April 29, 2004 Office Action); and 5,054,898 to Riddle; (Reference A) in the January 26, 2005 Office Action; and U.S. Patent Application Publication 2001/0055963 to Cloutier (Reference E in the November 21, 2003 Office Action) were cited. Claims 1-11 and 19-30 have been cancelled and claim 31 has been added. Thus, claims 12-18 and 31 remain in the case. The Examiner's rejections are traversed below.

Changes to Specification

During review of the application to prepare this response, it was discovered that errors occurred when printing the specification prior to filing. Specifically, one line is missing between the bottom of page 48 and the top of page 49 and between the bottom of page 51 and the top of page 52, and the last two lines on page 52 are repeated on the first two lines of page 53. The fact that there is missing text is immediately apparent, since "Contained in the for downloading" at the beginning of the sentence which starts at the bottom of page 48 is clearly an error and there is no beginning to the sentence which ends at the top of page 52 with "#25)."

The text that has been added is apparent from Figs. 15 and 16 and text elsewhere in the specification. Specifically, the paragraph which begins on line 24 of page 48 refers to "a table of correspondences" which when combined with the sentence fragment at the top of page 49 strongly suggests that the missing parts of the sentence describes the contents of the "table of correspondences and refers to "download conditions necessary for downloading communication means to a terminal" (added text indicated using underling).

With respect to the completion of the sentence at the top of page 52, the last sentence on page 51 states that "the selected communication means is started at the source user terminal (#23)." Fig. 16 indicates that reference characters #23 corresponds to "Start application" and is preceded by "Select" corresponding to reference characters #22 which also leads to "Reception" corresponding to reference characters #24. This branch of the flow continues with "Reporting" corresponding to reference characters #25 which is indicated as occurring in parallel with

operation #23 on the "Origin terminal" or "source user terminal" as used in the specification. Therefore, the words added to the top of page 52 are simply a description of what is illustrated in Fig. 16 using the terminology of the specification.

For the above reasons, no "new matter" has been added by the changes made to the specification.

Rejections under 35 USC 103(a)

In item 4 on pages 2-8 of the Office Action, claims 1, 2 and 11 were rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al. in view of Liu et al., Goertzel et al. and Riddle. In item 5 on pages 8-10 of the Office Action, claim 3 was rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al. and Riddle in view of Pickering and further in view of Cloutier. In item 6 on pages 10-11 of the Office Action, claims 4-6 were rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al. and Riddle in view of Minnick et al. In item 7 on pages 11-12 of the Office Action, claim 10 was rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al. and Riddle in view of Lee. In item 8 on pages 12-15 of the Office Action, claims 12, 13, 16, and 17 were rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al. and Riddle in view of Balasubramaniam et al. and Ansberry et al. In item 9 on pages 16-18 of the Office Action, claims 14, 15 and 18 were rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al., Riddle, Balasubramaniam et al. and Ansberry et al. in view of Morris et al. In item 10 on pages 18-22 of the Office Action, claims 7, 9, 19, 20, 27 and 28 were rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al. and Riddle in view of Pickering. In item 11 on page 23 of the Office Action, claim 8 was rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al. and Riddle in view of "what was well known in the art." In item 12 on pages 23-25 of the Office Action, claims 21, 22 and 24 were rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al., Riddle and Pickering in view of Cloutier and Minnick et al. In item 13 on pages 25-26 of the Office Action, claim 23 was rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al., Riddle, Pickering, Cloutier and Minnick et al. in view of Avidan. In item 14 on pages 26-27 of the Office Action, claims 25 and 26 were rejected under 35 U.S.C. § 103 as unpatentable over Adamson et al., Goertzel et al., Liu et al., Riddle, Pickering, Cloutier and Minnick et al. in view of Morris et al.

Nothing was cited or has been found in any of the references used to reject any of the claims that teaches or suggests "receiving a download condition and an execution condition

regarding at least one application-layer communication method present at one, but not both, of a pair of the destination and source user's information terminals in communication with each other" (claim 12, lines 12-15) and "generating a second list describing the at least one application-layer communication method" (claim 12, lines 17-18). In addition, claim 17 recites

> a communication software archive storing at least one communi-cation application, and a download condition and an execution condition related to each communication application and defining conditions at a terminal required to respectively download and execute the communication application related thereto.

(claim 17, line 10-13) and reciting that the second generating unit refers "to said communication software archive to acquire the download condition and the execution condition of at least one application-layer communication method present at one, but not both, of a pair of the destination and source user's information terminals in communication with each other" (claim 17, lines 18-22) so that " a second list describing the at least one application-layer communication method" (claim 17, lines 23-24) can be generated. These features are described on pages 47-52 of the specification.

The closest teaching to the limitations quoted above that has been found in the applied art is in Balasubramaniam et al. in which a link to an application necessary to display a resource is embedded in the resource. In the case where the application is not present in a terminal, the terminal downloads the application using the link embedded in the resource. This method is effective only as long as the link identifies the required application. The present invention avoids the drawback of a stale link by maintaining a database of applications and capabilities of terminals, so that the appropriate application can be provided. As a result, if the communication environment changes at both the source and destination end, the requirements for communication can be dynamically generated and the appropriate communication application can be extracted and provided as needed.

For the above reasons, it is submitted that claims 12 and 17, as well as claims 13-16, 18, and 31 which depend therefrom, patentably distinguish over the applied art.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not reach or suggest the features of the present claimed invention. Thus, it is submitted that claims 12-18 and 31 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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